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Benjamin Richards

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EXAMINER

VAN DOREN, BETH

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,375

Applicant(s)

RICHARDS ET AL.

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final office action in response to communications received 04/20/2006. Claims 1-4, 6, 12, and 14 have been amended. Claims 1-18 are pending in this application.

Response to Amendment

2. Applicant's amendments to claims 6 and 14 are sufficient to overcome the claim objections set forth in the previous office action.

3. Applicant's amendments to claims 1, 2, 3, 4, and 12 are sufficient to overcome the 35 USC § 112, second paragraph, rejections of claims 1, 2, 3, 5, and 12, set forth in the previous office action. However, due to current the amendments, new 35 USC § 112, second paragraph, rejections have been set forth below.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11 and claims 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "a method for retrieving shipping platforms which have been sent by a plurality of original shippers to a plurality of end recipients through a coordinator for reuse". However, in the body of claim 1, it appears that the end recipient is placing the shipping platforms for sale on a computer site, without the original shipper's consent (i.e. the original shipper must be notified of the posting for sale). Thus, it is unclear who has ownership of the

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shipping platforms and what the relationship is between the parties of the method. It is specifically unclear as to whether the claim is directed to a method for retrieving platforms by an original shipper owning the platforms using a third-party manager or to a method for selling used shipping platforms, wherein the original shipper is merely a buyer using the coordinator's venue. This is supported by limitations a and b of claim 1, as well as claim 2, where it appears that the platforms are marked with symbols identifying the coordinator of the system, not the original shipper. Thus, for examination purposes, Examiner has construed the method to be a third party resale system, wherein the original shipper is merely a customer who has the ability to buy used shipping platforms, such as those previously held by the original shipper.

Claims 2-11 depend from claim 1 and therefore contain the same deficiencies.

Further, claim 6 recites "the shipper paying the coordinator". It is not specifically clear as to who this shipper is. For examination purposes, the shipper has been construed as the original shipper. Clarification is required.

Claim 14 involves a shipper paying the coordinator a sales amount for the platform and the coordinator paying the end recipient a percentage of the sales amount. Similar to the rationale above with regards to claim 1, it is not clear if the shipping platforms are being managed by a third party manager or if they are being resold. Clarification is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 7-13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tradeout.com in view of Chep.com.

The following disclose the aspects and features of Tradeout.com:

- i. Screenshots of Tradeout.com (www.tradeout.com) retrieved from archive.org, dated 08/28/2000 (referred to herein as reference A);
- ii. Article "Tradeout Sells Assets Online" from Business Wire, dated 06/21/2000 (referred to herein as reference B).

The following disclose the aspects and features of Chep.com:

- i. Screenshots of Chep.com (www.chep.com) retrieved from archive.org, dated 06/20/2001 (referred to herein as reference C);
- ii. Article "Outlook for Third-Party Pallet Managemtn" by LeBlanc, dated 03/01/1999 (referred to herein as reference D).

As per claim 1, Tradeout.com teaches a method for retrieving shipping platforms which have been sent by a plurality of original shippers to a plurality of end recipients through a coordinator for reuse, comprising the steps of:

a) the coordinator identifying a plurality of types of shipping platforms on the computer site (See reference A, page 1, section 1, page 6, section 2, reference B, page 1, sections 1-2, wherein a shipping platform is identified on the site by information, such as location, category, etc., and identified as for sale);

b) the coordinator creating a remotely accessible file describing each of the plurality of types of shipping platforms on a computer site (See reference A, page 3, section 1, page 6,

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sections 1-2, page 9, section 2, page 10, section 1, and reference B, page 1, section 1, wherein a shipping platform is posted on the website of Tradeout.com, the file accessible on the site);

c) the coordinator accepting a listing from an end recipient of at least one shipping platform of one of the types of shipping platform identified in step (a) for sale at the computer site (See reference A, page 3, section 1, page 6, sections 1-2, page 9, section 2, page 10, section 1, and reference B, page 1, section 1, wherein the coordinator Tradeout.com accepts a listing (i.e. posting) for a shipping platform on the site for sale);

d) the coordinator notifying a shipper associated in step (b) of the listing of the at least one shipping platform listed by the end recipient in step (c). (See reference A, page 6, sections 1-2, page 9, section 1, wherein the shipper (i.e. buyer who needs a shipping container) is made aware of the shipping platform, such as by informing the shipper of new listings by category).

However, Tradeout.com does not expressly disclose and Chep.com discloses a coordinator issuing an identification for a plurality of types of shipping platforms (See reference C, page 3, section 1, pages 4-5, page 6, section 1, wherein a plurality of types of shipping platforms (wood, plastic, metal) are known in the system and are identified by the coordinator).

Further, Tradeout.com does not expressly disclose that each type of shipping platform is associated with an original shipper or that the original shipper is specifically notified of the listing.

Chep.com discloses that an original shipper uses an online ordering and reporting system that allows the shippers to order shipping containers and report movements. Thus each type of shipping platform ordered and used by a shipper is associated with a shipper in the Chep system (See reference C, page 8, 10, page 11, sections 1-2, and page 12, wherein shipping platforms and

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equipment are tracked and monitored by the system. See pages 3-4 and 6-7, wherein different types of pallets can be owned and tracked by Chep). Chep further discloses that a shipper is notified via the website of shipping platform availability in a specific area by a specific type (See reference C, pages 4-5).

Both Tradeout.com and Chep.com disclose means for the cost effective interchange of shipping platforms. Tradeout.com discloses an Internet website for the remarketing of assets including shipping containers, the assets being labeled by category in the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include issuing an identification for a shipping platform in the system of Tradeout.com in order to more efficiently identify assets to the buyers that meet the buyers' specifications. See reference A, page 6, section 1, of Tradeout.com, which discusses the use of the system to find needed products that match the buyer's desire in a fast and cost effective manner.

Further, it is well known in the e-commerce arts to allow a customer to maintain a profile, either on a site or using a shopbot, and be notified of listings associated with that profile. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to associate types of shipping platform with an original shippers and to notify the original shipper if a listing is of that specific type also to increase the efficiency of identifying assets to buyers that meet buyers' specifications. See reference A, page 6, section 1, of Tradeout.com, which discusses the use of the system to find needed products that match the buyer's desire in a fast and cost effective manner.

As per claim 2, Tradeout.com does not expressly disclose and CPC discloses, after step (a), of marking the identification and a symbol representing a coordinator onto a plurality of the

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shipping platforms (See reference C, page 3, section 1, pages 4-5, page 6, section 1, wherein a plurality of shipping platforms are marked with a symbol and the CHEP logo).

Both Tradeout.com and Chep.com disclose means for the cost effective interchange of shipping platforms. Tradeout.com discloses an Internet website for the remarketing of assets including shipping containers, the assets being labeled by category in the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include issuing an identification for a shipping platform in the system of Tradeout.com in order to more efficiently identify assets to the buyers that meet the buyers' specifications. See reference A, page 6, section 1, of Tradeout.com, which discusses the use of the system to find needed products that match the buyer's desire in a fast and cost effective manner.

As per claim 3, Tradeout.com does not expressly disclose marking the shipping platforms with a computer address for the computer site on the shipping platforms. Chep.com discloses marking the identification and a symbol representing a coordinator onto a plurality of the shipping platforms (See reference C, page 3, section 1, pages 4-5, page 6, section 1, wherein a plurality of shipping platforms are marked with a symbol and the CHEP logo). However, while Chep.com discloses marking the platform with a logo, Chep.com does not expressly disclose that the logo includes marking a computer address for the computer site on the shipping platforms.

Both Tradeout.com and Chep.com disclose means for the cost effective interchange of shipping platforms. Tradeout.com discloses an Internet website for the remarketing of assets including shipping containers, the assets being labeled by category in the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include issuing an identification for a shipping platform in the system of Tradeout.com in order to more

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efficiently identify assets to the buyers that meet the buyers' specifications. See reference A, page 6, section 1, of Tradeout.com, which discusses the use of the system to find needed products that match the buyer's desire in a fast and cost effective manner.

Furthermore, Chep.com also discloses the reuse and exchange of shipping platforms, the platforms being marked by a logo for identification. Labeling a product with a logo including a website address is well known in e-commerce as a way to pass on information to a user concerning the product. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a website address in the logo of Chep.com in order to increase the recognition and knowledge of the platform by providing a means to identify and locate information concerning the platform. See reference C, page 6, that discusses identifying markings on the shipping platforms.

As per claim 4, Tradeout.com teaches the step, after step (d), of the coordinator coordinating shipment of the shipping platforms from the end recipient to the shipper (See reference A, page 3, section 1, and page 4, section 1, and reference B, page 1, section 1, the system serving as a coordinator that allows for the shipment of the platforms from seller to buyer by providing the seller and buyer with contact information and the means to transact the sale).

As per claim 10, Tradeout.com discloses identifying, by category, a shipping platform for sale (See reference A, page 1, section 1, page 6, section 2, reference B, page 1, sections 1-2, wherein a shipping platform is posted on the site and identified as for sale). However, Tradeout.com does not expressly disclose issuing an identification, this issued identification based on at least one factor selected from a list comprising: a type of the shipping platform; and a size of the shipping platform.

Chep.com discloses issuing an identification for a shipping platform, wherein the identification is issued identification based on at least a type of the shipping platform and a size of the shipping platform (See reference C, pages 3-6, wherein the identification is based on the type of product).

Both Tradeout.com and Chep.com disclose means for the cost effective interchange of shipping platforms. Tradeout.com discloses an Internet website for the remarketing of assets including shipping containers, the assets being labeled by category in the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include issuing an identification for a shipping platform, the identification confirming the category of the shipping platform, in the system of Tradeout.com in order to more efficiently identify assets to the buyers that meet the buyers' specifications. See reference A, page 6, section 1, of Tradeout.com, which discusses the use of the system to find needed products that match the buyer's desire in a fast and cost effective manner.

As per claim 11, Tradeout.com discloses wherein the file created in step (b) comprises at least one item selected from a list comprising: the identification issued to the shipping platform; a shipper profile; an image of the shipping platform; repair specifications for the shipping platform; shipping platform specifications; and the annual usage of the shipping platform (See reference A, page 1, section 1, page 6, section 2, reference B, page 1, sections 1-2, wherein a shipping platform specifications are identified on the site with information concerning the platform).

8. Claims 12-13 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chep.com in view of Tradeout.com. The references used to disclose the aspects of Chep.com and Tradeout.com are set forth above.

As per claim 12, Chep.com discloses a method for recycling and reuse of a shipper's shipping platforms sent from a plurality of end recipients through a coordinator, comprising the steps of: a) requesting the coordinator to identify a plurality of shipping platforms on the computer site and to create a remotely accessible file describing the shipping platforms and associated types on a computer site associated with the coordinator (See reference C, pages 3-6, wherein the coordinator (CHEP) identifies different types of shipping platforms available through the management system);

c) shipping products on at least some of the plurality of shipping platforms to at least one end recipient (See reference C, page 8, sections 1-2, page 10, page 12, page 17, section 1, and page 20, wherein the shipping platforms are delivered);

d) presenting by coordinator listed shipping platforms of a type associated with the shipper of step (a), which had been listed after use by an end recipient, the listing occurring at the computer site associated with the coordinator (See reference C, pages 3-6, wherein the coordinator (CHEP) identifies different types of shipping platforms available through the management system. The third party site lists shipping platforms that are used by the shipper. These platforms are ready for reuse. See also page 7, page 8, sections 1-2, page 11, and page 18); and

e) receiving at least some of the listed shipping platforms listed in step (d) (See reference C, page 3, page 7, page 8, sections 1-2, page 11, and page 18, wherein customers receive some of the listed shipping platforms).

However, Chep.com does not expressly disclose listing shipping platforms by quantity. Further, Chep.com does not expressly disclose accepting a notification from the coordinator of listed shipping platforms or that the listing occurs by the end recipient.

Tradeout.com discloses accepting a notification from the coordinator of listed shipping platforms or that the listing occurs by the end recipient (See reference A, page 3, section 1, page 6, sections 1-2, page 9, section 2, page 10, section 1, and reference B, page 1, section 1, wherein the coordinator Tradeout.com accepts a listing (i.e posting) for a shipping platform on the site for sale. See also reference A, page 9, section 1, wherein the shipper (i.e. buyer who needs a shipping container) is made aware of the shipping platform, such as by informing the shipper of new listings by category).

Both Tradeout.com and Chep.com disclose means for the cost effective interchange of shipping platforms using electronically based tools for reusing assets including shipping containers. The system knowing the quantity of an item being offered for use and/or sale is well known in e-commerce and inventory systems. It would have been obvious to one of ordinary skill in the art at the time of the invention to include notifying a shipper of listed shipping platforms as well as listing a quantity of shipping platforms in order to more efficiently identify assets to the shippers that fulfill the shipper's need. See reference A, page 6, section 1, of Tradeout.com, which discusses the use of the system to find needed products that match the user's desire in a fast and cost effective manner.

As per claim 13, Chep.com discloses marking the identification and a symbol representing a coordinator onto a plurality of the shipping platforms (See reference C, page 3, section 1, pages 4-5, page 6, section 1, wherein a plurality of shipping platforms are marked with a symbol and the CHEP logo). However, while Chep.com discloses marking the platform with a logo, Chep.com does not expressly disclose that the logo includes marking a computer address for the computer site on the shipping platforms. Tradeout.com further does not disclose this feature.

Chep.com disclosed means for effective interchange of shipping platforms, wherein the platforms being marked by a logo for identification and users have electronic tools to track and monitor shipping platforms. Labeling a product with a logo including a website address is well known in e-commerce as a way to pass on information to a user concerning the product. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a website address in the logo of Chep.com in order to increase the recognition and knowledge of the platform by providing a means to identify and locate information concerning the platform. See reference C, page 6, that discusses identifying markings on the shipping platforms.

As per claim 17, Chep.com discloses issuing an identification for a shipping platform, wherein the identification is issued identification based on at least a type of the shipping platform and a size of the shipping platform (See reference C, pages 3-6, wherein the identification is based on the type of product).

As per claim 18, Chep.com discloses wherein the file created in step (b) comprises at least one item selected from a list comprising: the identification issued to the shipping platform;

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a shipper profile; an image of the shipping platform; repair specifications for the shipping platform; shipping platform specifications; and the annual usage of the shipping platform (See reference C, pages 3-6,).

9. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tradeout.com in view of Chep.com and in further view of Canadian Pallet Council (CPC) (www.cpcpallet.com). The references used to disclose the aspects of Chep.com and Tradeout.com are set forth above.

As per claims 7, Tradeout.com discloses creating a file describing the shipping platform on a computer site (See reference A, page 3, section 1, page 6, sections 1-2, page 9, section 2, page 10, section 1, and reference B, page 1, section 1, wherein a shipping platform is posted on the website of Tradeout.com, the file accessible on the site). However, Tradeout.com does not expressly disclose that this file created in step (b) comprises information on repair standards for the shipping platforms, wherein the shipping platforms are repaired in accordance with the repair standards in the file.

Chep.com discloses that third party management services repair the shipping containers (See reference D, page 1, section 1). However, Chep.com does not expressly disclose information on repair standards for the shipping platforms, wherein the shipping platforms are repaired in accordance with the repair standards in the file.

CPC discloses presenting and storing information on repair standards for the shipping platforms on a computer site, wherein the shipping platforms are repaired in accordance with the repair standards (See page 2, section 1, page 4, section 1, page 6, section 1, page 7, page 8,

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which disclose repair information and standards, wherein qualified persons repair the shipping platforms in accordance with the standards).

Tradeout.com and Chep.com are combinable for the reasons set forth above. Further, Both Tradeout.com and CPC disclose means for the cost effective interchange of shipping platforms. Tradeout.com discloses an Internet website for the remarketing of used assets, including shipping containers. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include repair standard in the information included about the used shipping platform sold via the Tradeout.com system in order to increase buyer confidence in buying a used item by presenting the standards and ensuring that the seller is a qualified seller. See Tradeout.com, reference B, page 1, section 2, discussing the importance of matching qualified buyers and qualified sellers.

As per claim 9, Tradeout.com discloses creating a file describing the shipping platform on a computer site (See reference A, page 3, section 1, page 6, sections 1-2, page 9, section 2, page 10, section 1, and reference B, page 1, section 1, wherein a shipping platform is posted on the website of Tradeout.com, the file accessible on the site). However, neither Chep.com nor Tradeout.com expressly disclose and CPC discloses that this file includes repair standards that comprise at least one item selected from a list comprising: a description of repair policy; general guidelines; stringer board repairs; excessive wear and tear and contamination; nails and hardware; and lumber that can be used to repair the shipping platforms (See page 2, section 1, page 4, section 1, page 6, section 1, page 7, page 8, which discusses the uniform specifications of the pallet, used in repairs, such as repair policy, contamination, nails and hardware, etc.).

Tradeout.com and Chep.com are combinable for the reasons set forth above. Both Tradeout.com and CPC disclose means for the cost effective interchange of shipping platforms. Tradeout.com discloses an Internet website for the remarketing of used assets, including shipping containers. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include repair standard in the information included about the used shipping platform sold via the Tradeout.com system in order to increase buyer confidence in buying a used item by presenting the standards and ensuring that the seller is a qualified seller. See Tradeout.com, reference B, page 1, section 2, discussing the importance of matching qualified buyers and qualified sellers

10. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chep.com in view of Tradeout.com and in further view of Canadian Pallet Council (CPC) (www.cpcpallet.com). The references used to disclose the aspects of Chep.com and Tradeout.com are set forth above.

As per claims 15 and 16, Chep.com discloses creating a file describing the shipping platform on a computer site (See reference C, pages 3-6, wherein the coordinator (CHEP) identifies different types of shipping platforms available through the management system). Chep.com further discloses that the third party management service repairs the shipping containers (See reference D, page 1, section 1). However, neither Chep.com nor Tradeout.com expressly disclose that this file comprises information on repair standards for the shipping platforms, the repair standards comprising at least one item selected from a list comprising: a description of repair policy; general guidelines; stringer board repairs; excessive wear and tear

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and contamination; nails and hardware; and lumber that can be used to repair the shipping platforms.

CPC discloses presenting and storing information on repair standards for the shipping platforms on a computer site, wherein the shipping platforms are repaired in accordance with the repair standards (See page 2, section 1, page 4, section 1, page 6, section 1, page 7, page 8, which disclose repair information and standards, wherein qualified persons repair the shipping platforms in accordance with the standards). CPC further teaches that the repair standards comprise at least one item selected from a list comprising: a description of repair policy; general guidelines; stringer board repairs; excessive wear and tear and contamination; nails and hardware; and lumber that can be used to repair the shipping platforms (See page 2, section 1, page 4, section 1, page 6, section 1, page 7, page 8, which discusses the uniform specifications of the pallet, used in repairs, such as repair policy, contamination, nails and hardware, etc).

Tradeout.com and Chep.com are combinable for the reasons set forth above. Further, Both Chep.com and CPC disclose means for the cost effective interchange of shipping platforms. Chep.com disclose repairing the platforms. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include repair standard in the information included about the used shipping platform sold via the Tradeout.com system in order to increase user confidence in the product (i.e. platforms) by presenting the standards used to maintain the products of the third party manager.

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11. Claims 5-6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tradeout.com in view of Chep.com, as applied to claims 1 and 4 above, and further in view of SJF Material Handling, Inc. (www.sjf.com).

As per claim 5, Tradeout.com teaches selling the shipping platforms by the end recipient via a coordinator, wherein the coordinator is paid a listing fee and a commission by the end recipient (See reference A, page 8, sections 1-2, and reference B, page 1, section 1, wherein the coordinator is paid by the end recipient). However, Tradeout.com does not expressly disclose, nor does Chep.com, that the selling platforms are sold to a coordinator by the end recipient.

SJF Material Handling, Inc., discloses material handling equipment, such as tote bins, baskets, and boxes, being sold to the coordinator by the end recipient (See page 3, sections 1-2, and page 8, section 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Tradeout.com and Chep.com as set forth above in the rejection of claim 1.

Tradeout.com, Chep.com, and SJF Material Handling, Inc. all disclose means for the cost effective interchange of used shipping platforms via a coordinator. Furthermore, Tradeout.com discloses the coordinator receiving sales and listing money from the end recipient. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to sell the shipping platform directly to a coordinator in order to in order to reduce the labor on the seller of the shipping platform (i.e. the end recipient) by having the e-commerce site take on more responsibilities, thus increasing the benefit to the seller of Tradeout.com. See reference A, page 6, section 2, which discusses the benefits of the system to the seller, including reducing labor.

As per claim 6, Tradeout.com discloses:

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the original shipper paying an end recipient a sales amount for the shipping platforms (See reference A, page 3, section 1, and page 4, section 1, and reference B, page 1, section 1, wherein the shipper pays the seller, with the coordinator being the middleman).

the end recipient paying the coordinator a percentage of the sale amount (See reference A, page 8, sections 1-2, and reference B, page 1, section 1, wherein the coordinator is paid by the end recipient).

However, neither Tradeout.com nor Chep.com expressly disclose selling platforms to a coordinator by the end recipient, wherein the shipper pays the a coordinator a sales amount, the coordinator paying the end recipient a percentage of the sale amount.

SJF Material Handling, Inc., discloses material handling equipment, such as tote bins, baskets, and boxes, being sold to the coordinator by the end recipient (See page 3, sections 1-2, and page 8, section 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Tradeout.com and Chep.com as set forth above in the rejection of claim 1.

Tradeout.com, Chep.com, and SJF Material Handling, Inc. all disclose means for the cost effective interchange of used shipping platforms via a coordinator. Furthermore, Tradeout.com discloses the coordinator receiving sales and listing money from the end recipient. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to sell the shipping platform directly to a coordinator and have the coordinator pay the end recipient in order to reduce the labor on the seller of the shipping platform (i.e. the end recipient) by having the e-commerce site take on more responsibilities, thus increasing the benefit to the seller of

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Tradeout.com. See reference A, page 6, section 2, which discusses the benefits of the system to the seller, including reducing labor.

12. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chep.com in view of Tradeout.com, as applied to claim 12 above, and further in view of SJF Material Handling, Inc. (www.sjf.com).

As per claim 6, Chep.com does not expressly disclose the limitations of claim 6.

Tradeout.com discloses:

the shipper paying an end recipient a sales amount for the shipping platforms (See reference A, page 3, section 1, and page 4, section 1, and reference B, page 1, section 1, wherein the shipper pays the seller, with the coordinator being the middleman).

the end recipient paying the coordinator a percentage of the sale amount (See reference A, page 8, sections 1-2, and reference B, page 1, section 1, wherein the coordinator is paid by the end recipient).

However, neither Tradeout.com nor Chep.com expressly disclose selling platforms to a coordinator by the end recipient, wherein the shipper pays the a coordinator a sales amount, the coordinator paying the end recipient a percentage of the sale amount.

SJF Material Handling, Inc., discloses material handling equipment, such as tote bins, baskets, and boxes, being sold to the coordinator by the end recipient (See page 3, sections 1-2, and page 8, section 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Tradeout.com and Chep.com as set forth above in the rejection of claim 1.

Tradeout.com, Chep.com, and SJF Material Handling, Inc. all disclose means for the cost effective interchange of used shipping platforms via a coordinator. Furthermore, Tradeout.com discloses the coordinator receiving sales and listing money from the end recipient. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to sell the shipping platform directly to a coordinator and have the coordinator pay the end recipient in order to reduce the labor on the seller of the shipping platform (i.e. the end recipient) by having the e-commerce site take on more responsibilities, thus increasing the benefit to the seller of Tradeout.com. See reference A, page 6, section 2, which discusses the benefits of the system to the seller, including reducing labor.

Response to Arguments

13. Applicant's arguments with regards to Tradeout.com have been fully considered, but they are not persuasive. In the remarks, applicant argues that Tradeout.com does not teach or suggest (1) a coordinator of any sort, just a forum for selling and (2) files describing types of pallets associated with specific shippers.

Examiner first points out that new art rejections have been set forth above, as necessitated by amendment. In response to argument (1), Tradeout.com does disclose a coordinator by disclosing a website serving as a forum for selling, this forum allowing selling to occur in a coordinated manner. Therefore, a coordinator provides the venue of Tradeout.com by which sales can occur between buyer and seller.

In response to argument (2), this argument has been considered, but is moot in view of the new grounds of rejection, necessitated by amendment. Further, Applicant's arguments

regarding CPC have also been considered but are also moot in view of the new grounds of rejection above, as necessitated by amendment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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bvd

June 22, 2006